**In the High Court of Punjab and Haryana, Chandigarh.**

**Civil Revision No. 6628 of 2007**

Date of Decision: 20.12.2007

Lokesh Bhatia

…Petitioner

Versus

Surinder Kumar

…Respondent

**CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL**

Present: Mr. Sudhir Paruthi, Advocate
for the petitioner.

**RAJESH BINDAL, J.**

The tenant is in revision before this Court against concurrent findings of fact recorded by both the Courts below, whereby the eviction petition filed by the respondent has been accepted on the ground of non payment of rent.

It is not disputed by the petitioner that in terms of the order passed by this Court on July 16, 2007 in Civil Revision No. 6506 of 2006, he was granted time for payment of rent upto August 7, 2007, but on account of his failure to tender the rent on the date fixed, the eviction petition was allowed by learned Rent Controller. In appeal the order of eviction, was upheld.

The contention of learned counsel for the petitioner is that in terms of the interim order passed by learned Appellate Authority, the petitioner had paid the entire rent and accordingly the delay, if any, should be condoned and the orders passed by both the Courts below should be set aside and the petitioner should be permitted to contest the case on merits, keeping in view the fact that he has already tendered the rent. He submitted that the delay in tendering the rent occurred for the reason that the order passed by this Court on July 16, 2007 in Civil Revision No. 6506 of 2006 was not conveyed to him by his counsel.

Having heard learned counsel for the petitioner and perusing the

paper book, I do not find any merit in the present petition. On earlier occasion, the petitioner had approached this Court by filing Civil Revision No. 6506 of 2006 challenging the order dated November 10, 2006, whereby learned Rent Controller had fixed provisional rent and directed him to pay the same by November 23, 2006. However, once the counsel for the petitioner realised that the petition filed by him was meritless in view of the law laid down by Hon'ble Supreme Court in ***Rakesh Wadhawan and Others v. Jagdamba Industrial Corporation and Others (2002-2) 131 Punjab Law Reporter 370***, the petition was dismissed as not pressed. However, on his request, the time for tendering the rent was granted upto August 7, 2007 and when the rent was not tendered on the date fixed, learned Rent Controller had no other option but to order eviction of the petitioner from the premises in dispute vide order dated August 9, 2007.

Once the above noted facts regarding non tendering of the rent even in terms of the time extended by this Court are not in dispute, I do not find any illegality have been committed by learned Courts below in ordering eviction of the petitioner on account of non payment of rent.

The revision petition is accordingly dismissed.

**(Rajesh Bindal)**
**Judge**

**December 20, 2007**
**"DK"**